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SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 3.40 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 10, 17, 24 AND 11 (continued)

Draft resolution E/CN.4/1992/L.41 (agenda item 10) (continued)

1. Mr. REYN (Observer for Belgium) proposed two amendments to draft resolution E/CN.4/1992/L.41 with a view to facilitating its adoption by consensus, namely the deletion of operative paragraphs 3 and 4 and the replacement in paragraph 8 of the word "immediately" by "promptly". He also suggested that any observations by participants could be included in the summary record of the meeting, so that they could express any divergent views without preventing a consensus.

2. Mr. KHAN (Pakistan) requested that his reservations concerning paragraph 15 of the draft resolution under consideration should be included in the summary record of the meeting. Pakistan considered that the Rapporteur's mandate should not be extended for periods exceeding one year.

3. Mr. NZEYIMANA (Burundi) was in favour of the amendment proposed to operative paragraph 8 since it was more in conformity with the term "promptly" used in article 9, paragraph 2, of the International Covenant on Civil and Political Rights. With regard to the reservations expressed concerning paragraph 15 of the draft, he urged all those who had formulated them to reconsider their positions because, unfortunately, the question of torture inflicted on persons in detention could not be solved immediately. Moreover, the principle of a three-year mandate had already been accepted for problems of the same nature and he failed to see why an exception should be made in the case of the Special Rapporteur on torture. Lastly, he said that his delegation wished to become a sponsor of resolution E/CN.4/1992/L.41.

4. Mr. HESSEL (France) agreed that there was no reason to make an exception for the Special Rapporteur on torture. Moreover, the fact that the mandate of special rapporteurs was three years did not mean that they had to prepare a report on the same country throughout that period. In the case of torture in particular, it was most desirable not to depart from the custom of giving the Special Rapporteur a three-year mandate. He urged participants who held a different view not to prevent a consensus and to agree to having their reservations mentioned in the report.

5. Mr. STEELE (United Kingdom), speaking as one of the sponsors of the draft resolution under consideration, said he was in full agreement with the amendments proposed by the Observer for Belgium to paragraphs 3, 4 and 8 of the draft. As for paragraph 15, he associated himself with the remarks of the representative of Burundi and said it would be most unfortunate to give the impression that the Commission considered torture to be one of its minor preoccupations. The Special Rapporteur himself had stressed that torture was the worst outrage against human dignity and that, in spite of all the successes achieved in the fight against torture at the legal level, international in particular, that practice continued apace. He hoped the text as amended would be adopted by consensus.

6. Mr. DYARCE (Chile) supported the amendments proposed by the Observer for Belgium. The situation covered by paragraph 8 was most delicate, because it was precisely at that stage of judicial proceedings that ethically inadmissible practices could occur. It was therefore desirable to follow the recommendations of the Special Rapporteur and to renew his mandate for three years, in conformity with the general principle established by the Economic and Social Council.

7. Mr. NOVILLO SARAVIA (Argentina), speaking as a sponsor of the draft resolution under consideration, felt that paragraph 15 should not be amended.

8. Mr. SEZAKI (Japan) said that although he was not a sponsor of the draft resolution, he supported it because of the many allegations of torture voiced on all sides. Of all the means at the disposal of the Commission, the special rapporteur approach was one of the most effective, and his report showed that he could display creativity and imagination in his recommendations without going to extremes. Two Special Rapporteurs had already had their mandates extended for three years, and he therefore saw no reason why an exception should be made in the case of the Special Rapporteur on torture. If resources were inadequate, it would be preferable to reduce the mandate of the Special Rapporteur on mercenaries. For his part, he saw no reason why the Special Rapporteur on torture should not have his mandate extended for three, six or even nine years.

9. Mr. MALGUINOV (Russian Federation) supported the Belgian proposals. One important means of preventing torture was the possibility of raising the question of the lawfulness of a detention before an independent court - his own country being well placed to know that. That possibility constituted one of the basic elements of a democratic society governed by the rule of law. Moreover, several of the Sub-Commission's recommendations to the Commission were along those lines. He shared the view of those delegations which had pointed out that the Commission preferred to extend the mandate of Special Rapporteurs in a uniform fashion. That practice facilitated budgetary planning for the United Nations and particularly the Commission. It was a rational and economical measure. Besides, it would be out of place for participants who adopted an unduly impassioned attitude to give a political twist to the question of the Rapporteur on torture when the text of the draft resolution was balanced and neutral. Lastly, he felt that the Commission should abide by its established practice in accordance with which all suggestions were studied by the sponsors of a draft so that they could be taken into account.

10. Mr. BARKER (Australia) drew attention to a technical factor which also militated in favour of a three-year extension of the Special Rapporteur's mandate. It would not be reasonable to extend that mandate for only one year because the proposals made in February by the Commission had yet to be endorsed by the Economic and Social Council, which meant that they would not be effective until the second half of the year. Torture was a practice that was not diminishing and did not occur only during the second half of the year. The tradition of three-year extensions had taken root gradually and had been endorsed by the Economic and Social Council, and the mandate of the Special Rapporteur on the question of mercenaries and that of the Working Group on the Draft Declaration on the Protection of All Persons against

Enforced or Involuntary Disappearance had already been extended for three years. It was not desirable for the Commission to make an exception regarding the mandate of the Special Rapporteur on torture, particularly since he fully deserved the Commission's confidence.

11. Mrs. SANTOS PAIS (Portugal) stressed that the renewal of the mandate of special rapporteurs for three years was a well-established practice in the Economic and Social Council. Portugal attached the greatest importance to efforts to curb torture and her delegation stressed the distinction to be made between the activities of the Special Rapporteur and those of the Committee against Torture. That Committee monitored the implementation of the Convention against Torture in the States parties to that Convention, so that its activities were not yet universal in scope. Her delegation felt, moreover, that the Commission, which was the basic United Nations human rights body, could not call in question its own protection machinery.

12. Ms. PARK (Canada) also stressed that the Special Rapporteur on torture represented one of the most important devices available to the Commission and noted that he had stated in his report: "There is hardly any international legal norm which is so widely acclaimed as the prohibition of torture". In order to enable the Special Rapporteur to do effective work, his mandate had to be renewed for three years.

13. With regard to paragraph 8 of the draft resolution under consideration, her delegation agreed with the Austrian representative that the period preceding the appearance in court of a detainee was potentially the most dangerous one for him, for it was then that most abuses occurred. She therefore supported the amendment proposed to that paragraph.

14. Mr. PIRIZ BALLON (Uruguay) said his delegation wished to become a sponsor of draft resolution E/CN.4/1992/L.41. In view of the importance his country attached to action to curb torture he felt it would have been better not to amend the wording of paragraph 8 so that the accused could exercise his right to initiate proceedings before a court as early as possible. Nevertheless, his delegation accepted the compromise in the interest of achieving a consensus. On the other hand, it could not accept any compromise on the extension of the Special Rapporteur's mandate, which must be extended for three years. There could be no question of its duration being reduced when the problem of torture was precisely one of those eliciting the most concern.

15. Mr. LINDREN ALVES (Brazil) said it was desirable to follow established practice in the case of thematic rapporteurs and therefore to extend their mandate for three years.

16. Mr. ARCILLA (Philippines) said he wished to dispel a misunderstanding that had been created by his delegation's statement that morning, since the reservation it had expressed did not in any way imply that his country regarded torture as a problem of minor importance. It simply meant that, once the Special Rapporteur's mandate had been extended for one year to enable him to complete his work and to allow the Committee against Torture time, that Committee, in cooperation with other competent bodies, would be left to deal with its inherent tasks, thereby avoiding any duplication. That should be done when the Committee had decided on its methods of work.

17. Mr. HELLER (Mexico) said his delegation supported the draft resolution under consideration and observed that the functions of the Rapporteur on torture did not really duplicate those of the Committee against Torture, because only one third of the Member States of the United Nations were parties to the Convention against Torture. On the other hand, the question of the duration of the mandate of special rapporteurs in general might well be raised. In his view, that question should be examined and settled by the World Conference on Human Rights.

18. Ms. RUESTA de FURTER (Venezuela) was in favour of retaining paragraphs 8 and 15 of the draft resolution as they stood. With regard to paragraph 15, she associated herself with the Mexican representative concerning on the role of the World Conference in deciding upon the duration of the mandates of Special Rapporteurs.

19. Mr. ZHU Xiaoming (China) noted that a consensus appeared to be emerging on the draft under consideration. The lengthy discussion on the question of the Special Rapporteur was therefore surprising. As the Philippines representative had clearly explained, it had been proposed to extend the mandate of the Special Rapporteur for only one year in order to rationalize work on torture, to make it unnecessary for Governments to reply to multiple requests addressed to them by various experts, rapporteurs, etc., and to avoid an accumulation of documents on identical subjects. The objective was the simplification of work and greater efficiency. Nevertheless, noting the spirit of compromise displayed by the Belgian delegation, his own delegation would simply request that its reservations should be included in the summary record of the meeting.

20. Mr. WIELAND (Peru) noted that a consensus was emerging on the draft resolution. He too stressed that the duration of the mandate of the Special Rapporteur on torture had to be the same in all cases, namely three years, as the Economic and Social Council had decided.

21. Mr. SENE (Senegal) thanked the Belgian delegation for its efforts to reconcile the various views expressed on the draft resolution and for its proposed amendments. On the substance of the question, namely, torture, it was useful to recall that, under article 10 (1) of the International Covenant on Civil and Political Rights, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". Moreover, according to article 9 (4) of that Covenant "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention". Since his country was a party to the Covenant, its provisions could be invoked before the courts of Senegal. As for the extension of the Special Rapporteur's mandate, it was important that it should be for three years, not only in order to conform with the decision of the Economic and Social Council but also because the Special Rapporteur on torture played a vital role in the action taken by the United Nations on the subject. However, it had to be remembered that not all States were parties to the Convention against Torture or to the International Covenant on Civil and Political Rights. His delegation therefore supported paragraphs 8 and 15 of draft resolution E/CN.4/1992/L.41 and hoped that it would be adopted by consensus.

22. Mr. KHOURY (Syrian Arab Republic) thanked the Belgian delegation for replying to his questions concerning paragraphs 3 and 4 of the draft resolution, but expressed reservations regarding the wording of paragraph 16 because it felt that information supplied by Governments should always be considered as reliable and that it was not for the Special Rapporteur to express a judgement on it. His delegation would therefore have liked the word "Governments" deleted from that paragraph; it had no other objection to the draft as a whole.

23. Draft resolution E/CN.4/1992/L.41, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1992/L.43 (agenda item 10)

24. Mr. REYN (Observer for Belgium), introducing draft resolution E/CN.4/1992/L.43 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and speaking on behalf of the 24 sponsors said that in essence it reproduced the Sub-Commission's decision to entrust Mr. Louis Joinet, Special Rapporteur on the question, with the preparation of a report that would draw its attention to the information on practices and measures which had served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards, paying particular attention to those elements set out in paragraph 302 of the Special Rapporteur's report (E/CN.4/Sub.2/1991/30 and Add.1-4). If the Commission adopted that draft resolution, it would not have to take a decision on draft resolution VII of the Sub-Commission relating to that question, which was set out in chapter I A of the Sub-Commission's report (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

25. Mr. MAUTNER-MARKHOF (Secretary of the Commission) announced that Japan, Lesotho, Sao Tome and Principe and Rwanda had become sponsors of draft resolution E/CN.4/1992/L.43. The expenditure that would be incurred by extending the Special Rapporteur's mandate was estimated at $45,000 in 1992. The appropriations for 1992 and 1993 were provided for in the programme budget for the 1992-1993 biennium.

26. Mr. RODRIGUEZ ALPIZAR (Costa Rica) and Mr. NZEYIMANA (Burundi) said that their delegations wished to become sponsors of draft resolution E/CN.4/1992/L.43.

27. Draft resolution E/CN.4/1992/L.43 was adopted without a vote.

Draft resolutions II, III and VII set out in chapter I A of the Sub-Commission's report (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65) (agenda item 10)

28. Mr. MAUTNER-MARKHOF, presenting the financial and administrative implications of draft resolutions II, III and VII proposed by the Sub-Commission in chapter I A of its report, said that the administrative and programme budget implications of the 16 resolutions and four decisions adopted by the Sub-Commission at its forty-third session were indicated in annex III to its report (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65). They were submitted to the Commission for information, in accordance with rule 28 of its rules of procedure. The appropriations for 1992 or 1993 were provided for in the

programme budget for the 1992-1993 biennium and 1994 and 1993 requirements would be taken into account when the draft programme budget for that period was drawn up.

Draft resolution II (The right to a fair trial)

29. Mr. PETERS (Netherlands) pointed out that the Committee on Crime Prevention and Control had been abolished by the Economic and Social Council at its organizational session of 1992 and replaced by the Commission on Crime Prevention and Criminal Justice, so that the wording of paragraph 6 of the draft resolution would have to be amended accordingly.

30. Draft resolution II, as orally amended, was adopted without a vote.

Draft resolution III (Habeas corpus)

31. Draft resolution III was adopted without a vote.

Draft resolution VII (Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers)

32. The CHAIRMAN said that if there was no objection, he would consider that the Commission agreed not to take a decision on draft resolution VII, the text of which was embodied in draft resolution E/CN.4/1992/L.43 that the Commission had already adopted.

33. It was so decided.

Draft decisions 1, 5 and 15 contained in chapter I B of the Sub-Commission's report (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65) (agenda item 10)

Draft decision 1 (Question of human rights and states of emergency)

34. Draft decision 1 was adopted without a vote.

Draft decision 5 (The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms)

35. Mr. PETERS (Netherlands), drawing attention to a slip in the English text, said that the word "Council" in the last sentence should be replaced by "Commission".

36. Draft decision 5 was adopted without a vote.

Draft decision 15 (The right to freedom of opinion and expression)

37. The CHAIRMAN said that, if there was no objection, he would consider that the Commission agreed not to take a decision on draft decision 15, the text of which was embodied in draft resolution E/CN.4/1992/L.28 that the Commission had already adopted.

38. It was so decided.

39. The CHAIRMAN said that the Commission had completed consideration of the draft resolutions and draft decisions relating to agenda item 10. He invited delegations and observers who wished to do so to take the floor in order to explain their vote or their position on the drafts that had been adopted.

40. Mr. ZHAN Daode (China) said that, although his delegation had gone along with the consensus on draft resolution E/CN.4/1992/L.31, it nevertheless had reservations about it because that text did not, in its view, take sufficient account of cultural differences. In Asian countries, the exhumation of a corpse could be considered as a mark of disrespect towards the family of the deceased and it was difficult to believe that it could become general practice for purposes of legal autopsy. The Chinese delegation requested that its reservations should be reproduced in the Commission's report.

41. Mr. BAUM (Germany) said his delegation had joined the consensus on draft resolution E/CN.4/1992/L.39 since it recognized the importance of the question of enforced or involuntary disappearances and the need to find a political solution for that problem. However, the draft declaration being drawn up on the subject contained certain provisions which seemed ill-advised. His delegation condemned the serious human rights violations represented by enforced or involuntary disappearances and supported all efforts to bring them to an end, but nevertheless regretted that its critical observations had not been sufficiently taken into account. Specifically it considered that the draft declaration and paragraph 14 of draft resolution E/CN.4/1992/L.39 did not impose on Germany any obligation, under international law, to modify its domestic legislation.

42. Mr. DYARCE (Chile) said that his delegation had voted in favour of draft resolution E/CN.4/1992/L.38 - by which the Commission had transmitted to the General Assembly the draft declaration on the protection of all persons from enforced disappearance as a useful complement to the Universal Declaration of Human Rights - in order to emphasize the Chilean Government's determination to condemn that inadmissible practice. However, his delegation regretted that, unlike the original text and other legal instruments, such as the United Nations Convention against Torture, article 14 of the draft declaration did not contain any reference to the principle of universal jurisdiction. That would have made it possible to avoid any misinterpretation of the obligation of States to try or to extradite all persons, including their own nationals accused of participation in disappearances. The Chilean delegation felt that the term "perpetrators" used in connection with a disappearance should include all participants, namely, the perpetrator himself, his accomplices and those who shielded him. The Chilean delegation had already emphasized, moreover, the need to regard that offence as being of a continuing nature so long as the kidnapped person was held.

43. Ms. PONTICELLI (United States), explaining her delegation's vote on draft resolution E/CN.4/1992/L.28, said that freedom of expression and a free press were paramount values for her country and were guaranteed in its Constitution. The United States could not, therefore, adopt a document that sanctioned or justified the restriction of those freedoms, as draft resolution E/CN.4/1992/L.28 appeared to do in at least two respects. First, the draft invoked article 19 of the International Covenant on Civil and Political Rights, and in particular its provisions regarding the restrictions to which

freedom of expression could be made subject. Her delegation felt, however, that the subject was governed by article 19 of the Universal Declaration of Human Rights and not article 19 of the Covenant. Secondly, it would appear that the report by Mr. Joinet and Mr. Türk on the freedom of opinion and expression (E/CN.4/Sub.2/1990/11) sanctioned State interference in certain cases to restrict freedom of expression - something that the United States considered unacceptable. Her delegation hoped that the final version of the report would concentrate rather on the burning question of the detention of persons who exercised their freedom of expression and of discrimination against them.

44. Mr. SEZAKI (Japan), explaining his vote on resolution E/CN.4/1992/L.32, said that, although his delegation had associated itself with the consensus, it wished to express its reservations with regard to the use of the verb "urges" in operative paragraph 6. The adjustments to national legislation necessary with a view to the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were still under consideration and it was not yet possible to say when the Convention would be ratified.

45. With regard to resolution E/CN.4/1992/L.38 on the protection of all persons against enforced disappearance, the Japanese delegation felt that it did not take sufficiently into account the diversity of domestic laws and gave too much scope to international instruments in force. His delegation therefore maintained the position it had already stated at the present session in its general statement.

46. As for draft resolution E/CN.4/1992/L.39, Japan had joined the consensus on the understanding that the provisions of operative paragraph 13 would apply also to acts such as illegal arrests and detentions and kidnappings, considered as enforced disappearances.

Draft resolution IX set out in chapter I A of the Sub-Commission's report (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65) (Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others) (agenda item 17)

47. Draft resolution IX was adopted without a vote.

Draft decisions 3, 4 and 12 set out in chapter I B of the Sub-Commission's report (E/CN.4/1992/2-E/CN.4/Sub.2/1991/15) (agenda item 17)

Draft decision 3 (Traditional practices affecting the health of women and children)

48. Draft decision 3 was adopted without a vote.

Draft decision 4 (Human rights and the environment)

49. The CHAIRMAN said that the United States representative had requested a vote on that draft decision.

50. The draft decision was adopted by 50 votes to 1, with 1 abstention.

Draft decision 12 (Study on treaties, agreements and other constructive arrangements between States and indigenous populations)

51. Draft decision 12 was adopted without a vote.

Draft resolution E/CN.4/1992/L.30 (agenda item 24)

52. Mr. ROSENGARTEN (Germany) introduced draft resolution E/CN.4/1992/L.30 on behalf of its sponsors, which now included Afghanistan, Bangladesh, Brazil, Ecuador, Ethiopia, India, Iran, Lithuania, Panama and Sao Tome and Principe. The purpose of that draft was to stimulate preparations for the World Conference on Human Rights. Two sessions of the Preparatory Committee would be held at Geneva in 1992 to deal with essential questions, both of form and of substance. In addition, three regional meetings would also be held during the year in Costa Rica, at Bangkok, and at Tunis. His delegation hoped that as many countries as possible would associate themselves with the preparation of the World Conference and that the draft resolution would be adopted unanimously.

53. Mr. PORTALES (Chile), Mr. WIJONO (Indonesia), Mr. PIRIZ BALLON (Uruguay), Mr. ZODIATES (Cyprus), Mr. MBURU (Kenya), Mr. BLAVO (Ghana), Mr. MBARUSHIMANA (Rwanda), Mrs. RUESTA de FURTER (Venezuela), Mr. ISSE (Somalia), Mr. KOLANE (Lesotho) and Mr. RHENAN-SEGURA (Costa Rica) declared themselves sponsors of the draft resolution.

54. Mr. ERMACORA (Austria), explaining his delegation's vote, said that it fully supported the draft resolution on the understanding that paragraph 8 did not exclude other countries from subsequently acting as hosts to the Conference.

55. Draft resolution E/CN.4/1992/L.30 was adopted without a vote.

Draft resolution E/CN.4/1992/L.33 (agenda item 11)

56. Mr. VERGA (Italy), introducing draft resolution E/CN.4/1992/L.33 on behalf of its sponsors, which now also included Greece, Guatemala, Ecuador, Panama, Philippines, Sao Tome and Principe, Sweden and Tunisia, said that the text took note with satisfaction of the Secretary-General's report on the development of public information activities in the field of human rights, including information about costs envisaged as well as the assessment of the effectiveness of the activities of the World Public Information Campaign for Human Rights, and supported the general direction of the programme proposed for the implementation of that campaign.

57. Moreover, the draft stressed the need for more widespread information on human rights by means of appropriate written and audiovisual materials. To that end, it emphasized the need for close cooperation between the Centre for Human Rights and the Departments of Public Information in the implementation of the aims established for the World Campaign, in particular the preparation of a teaching booklet relating to human rights and the translation and dissemination of the Universal Declaration of Human Rights in all languages. It encouraged all Member States to make special efforts to promote the greatest publicity for the activities of the United Nations in the field under

consideration and requested the Secretary-General to give priority, within the framework of the World Public Information Campaign, to activities aimed at disseminating the objectives of the World Conference. The Italian delegation hoped that the draft resolution would be adopted by consensus.

58. Mr. PETERS (Netherlands) said that his delegation also wished to sponsor the draft resolution.

59. Ms. KRUEGER (United States), explaining the vote of her delegation before the vote, said that, while approving most of the content of the draft, it was concerned at the possible financial implications of paragraph 8. The United States would join the consensus only if it was clearly understood that any increase in resources for the World Public Information Campaign had to be achieved by means either of the redistribution of existing resources or of voluntary contributions.

60. Draft resolution E/CN.4/1992/L.33 was adopted without a vote.

Draft resolution E/CN.4/1992/L.45 (agenda item 11)

61. Mr. ROA KOURI (Cuba), speaking on behalf of the sponsors, which now also included China, Iran and Somalia, introduced draft resolution E/CN.4/1992/L.45 entitled "Strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity". The sponsors had wanted to reaffirm the value of international cooperation in the field of human rights when founded on principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights, and on full respect for the political, economic and social realities of the societies represented in the United Nations. They also reaffirmed that the principles of non-selectivity, impartiality and objectivity were essential in the field of the protection and promotion of human rights and felt that the monitoring mechanisms established by the United Nations in that respect had to be based on impartial criteria and should not discriminate on political grounds. Lastly, he pointed out that the words "any kind of" in operative paragraph 1 should be deleted. His delegation hoped that the draft resolution would be adopted by consensus.

62. Draft resolution E/CN.4/1992/L.45, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1992/L.47 (agenda item 11)

63. Mr. GATAN (Philippines) introduced draft resolution E/CN.4/1992/L.47 on behalf of its sponsors, which now also included Germany and Iran, and explained that it was intended to increase awareness of the importance of human rights in the Asian and Pacific region and to foster cooperation among the Governments of that region with a view to the promotion and protection of human rights. The draft resolution was similar to the resolutions adopted on the same subject by consensus during the previous four years by the Commission. His delegation hoped therefore that it, too, would be adopted by consensus.

64. Draft resolution E/CN.4/1992/L.47 was adopted without a vote.

Draft resolution E/CN.4/1992/L.48 (agenda item 11)

65. Mr. PINTER (Czech and Slovak Federal Republic) introduced the draft resolution entitled "Human Rights and Thematic Procedures" on behalf of its sponsors. Throughout the years, the thematic procedures established by the Commission for the examination of questions relating to the protection and promotion of civil and political rights had assumed an important place among human rights monitoring mechanisms. The main purpose of the draft resolution was therefore to encourage Governments to cooperate more closely with the Commission through the pertinent thematic procedures and to study carefully the recommendations addressed to them. He hoped that, like resolution 1991/31 adopted by the Commission at its previous session, draft resolution E/CN.4/1992/L.48 would be adopted by consensus.

66. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that Panama and Uruguay also wished to become sponsors of the draft resolution.

67. The CHAIRMAN asked members of the Commission whether they had any general observations.

68. Mr. ALFONSO MARTINEZ (Cuba) said that the Cuban Government had always attached the greatest importance to the thematic procedures and to the activities of the Special Rapporteurs and working groups which now occupied an important place among human rights monitoring mechanisms. He noted, however, that those procedures were becoming increasingly numerous and could become a heavy burden for the developing countries. In addition to the cooperation required of them in the framework of those procedures, States had to submit reports to the bodies set up pursuant to various international conventions and to furnish replies in conformity with the 1503 procedure. Furthermore, each of those mechanisms had its own rules. It was therefore desirable to carry out an in-depth study of all such procedures with a view to their harmonization. That question could be examined by the World Conference on Human Rights. That said, his delegation would not object to the adoption by consensus of the draft resolution on human rights and thematic procedures.

69. Draft resolution E/CN.4/1992/L.48 was adopted without a vote.

Draft resolution E/CN.4/1992/L.50 (agenda item 11)

70. Mr. de RIVERO (Peru), speaking on behalf of its sponsors, introduced the draft resolution relating to consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers. A resolution on the same question had already been adopted by the Commission in 1991; nevertheless, the sponsors were submitting a new draft because acts of violence perpetrated by armed groups and by drug traffickers were on the increase. The Commission's Special Rapporteurs and working groups, as well as governmental organizations, should draw the Commission's attention to any situations in which armed groups and drug traffickers were spreading terror among populations and sapping democracy.

71. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that Afghanistan, Bangladesh, the Islamic Republic of Iran, Panama, Somalia and Sri Lanka had also become sponsors of the draft resolution.

72. The CHAIRMAN asked members of the Commission whether they wished to make any general observations.

73. Mr. PORTALES (Chile) said that his delegation associated itself with the consensus although it felt that acts of terrorism perpetrated by armed groups did not, strictly speaking, constitute human rights violations and that they should be dealt with by the bodies responsible for curbing terrorism.

74. Draft resolution E/CN.4/1992/L.50 was adopted without a vote.

75. The CHAIRMAN said that consideration of the draft resolutions submitted under agenda item 11 had been completed. He invited any members of the Commission wishing to do so to explain their votes after the vote.

76. Mr. SEZAKI (Japan) said he wished to explain his delegation's vote on the draft decision entitled "Human rights and the environment" submitted under agenda item 17. The Japanese Government was convinced that problems connected with the protection of the environment were of vital importance and should receive the greatest attention from the international community. It had accordingly participated actively in the preparations for the United Nations Conference on Development and Environment to be held in Brazil. Questions connected with the environment should be dealt with by the United Nations bodies with competence in that field, and their consideration in the framework of the Commission could only lead to the duplication and overlapping of the activities of various United Nations bodies. For that reason, his delegation had abstained from the vote on Decision No. 4 relating to human rights and the environment.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 22) (continued)

(E/CN.4/1992/45; E/CN.4/1992/54; E/CN.4/1992/55 and Add.1; E/CN.4/1992/71; E/CN.4/1992/74; E/CN.4/1992/NGO/5; E/CN.4/1992/NGO/14; E/CN.4/1992/NGO/32; E/CN.4/1991/51; E/CN.4/Sub.2/1991/41 and Corr.1; CRC/C/7)

77. Mr. DAVIDSE (Netherlands), speaking on agenda item 22 and before submitting his observations on the report on the sale of children submitted by Mr. Muntarbhorn (E/CN.4/1991/51), said he wished to express his gratitude to the Special Rapporteur for his valuable report and assured him that the

recommendations it contained would receive widespread publicity in the Netherlands. That report dealt precisely with the sale of children, child prostitution and child pornography. Mr. Muntarbhorn's visit to the Netherlands in May 1991 was a "first" in two respects, in that it was the first time the Special Rapporteur had visited a country in the framework of his mandate and also because it was the first time that the Netherlands had had the honour to receive a Rapporteur appointed by the Commission.

78. By visiting the Netherlands and then Brazil, the Special Rapporteur had undertaken an important but difficult journey. It was an important journey because the exploitation of children constituted a threat to them and to mankind as a whole, and also because the subject itself was extremely complex. As the Special Rapporteur had indicated in his report, action to prevent the exploitation of children called for global strategies designed to tackle all aspects of the problem. The adoption of legislative measures could contribute to its solution but they were not sufficient by themselves. The process of combating the exploitation of children must be one that involved the children themselves as well as their parents, the community and the individual, non-governmental organizations and Governments. Action had to be taken at both the national and international levels, and the replies received to the Special Rapporteur's questionnaire would prove most useful in that respect.

79. He welcomed the fact that, despite the complexity of the questions examined, the Special Rapporteur had adopted a constructive approach. His visit to the Netherlands had made the Netherlands Government and public opinion more aware of the problems raised by the sale of children, child prostitution and child pornography, and had served as a catalyst by bringing together the people and organizations concerned with such problems. It had also created awareness of the fact that, although the Netherlands was not facing any large-scale problems regarding the exploitation of children, there was a need to remain vigilant. Specifically, his country had already taken steps to comply with the more important recommendations made by the Rapporteur; for example, tighter regulations relating to organ transplantation and sham marriages would soon come into force. The Convention on the Rights of the Child, which the Netherlands had already signed, had been submitted to Parliament for ratification.

80. The Netherlands Government fully endorsed the approach adopted by the Special Rapporteur, who was exercising his mandate in a balanced manner, and it wished him every success in his continuing work. It hoped that the Commission would extend his mandate for three years and provide him with the necessary means to carry out his task and also to attend the session of the Working Group on Contemporary Forms of Slavery.

81. Mr. DUAN Jielong (China), also speaking on agenda item 22, said that the protection of children, who constituted a dynamic but particularly vulnerable social group, was a subject of great concern to the entire international community. The elaboration of the Convention on the Rights of the Child was in particular the result of the persistent efforts of the Chinese delegation in recent years. He noted with great satisfaction that more than 100 countries had already ratified, or acceded to, the Convention and that

over 30 other countries had signed it. China, for its part, had signed it in 1990 and, on 29 December 1991, the Standing Committee of the National People's Congress of the People's Republic of China had decided to ratify it.

82. China had always attached the greatest importance to the protection of the rights of children. There were over 300 million children under the age of 15 in China. If estimated according to the standards of the Convention, the figure for the number of children would be even higher. Children were the most valuable asset of the country, and both the State and society were responsible for providing them with the protection and care they needed. Since the establishment of the new Chinese regime, the State and the Government had given priority to the nutrition, education and protection of children. The principle that every child, irrespective of ethnic origin, sex, family status, religious belief, education, physical and mental state, was entitled to protection, was enshrined in the Constitution. In addition, the State had promulgated a series of specific measures that made practical provision for the protection of children in the framework of rural legislation, judicial proceedings and schooling - which was compulsory. A law on the protection of juveniles had been promulgated; it confirmed the practices already in force in recent years and offered additional guarantees for the protection of the rights of children.

83. Both the State and social organizations were particularly active in the protection of the rights and legitimate interests of children. In the matter of education, for example, the State had always considered that the right to education was a prerequisite to the full and free development of the individual. Before 1949, the vast majority of Chinese children had no access to education and 80 per cent of the population was illiterate. Since the establishment of the new regime, the State had taken numerous measures to promote education and implement the right to education for all citizens, and children in particular. In 1990, 99.77 per cent of children of school age in cities and 97.29 per cent of those in rural areas were enrolled in schools. Health care was also considered to be indispensable in safeguarding the right to life and to health. In that field, too, the present situation was incomparably better than that before 1949. There was at present one doctor per 649 inhabitants. Both in the field of prevention and in that of care the situation of children had greatly improved, so much so that the representative of the World Health Organization had stated: "China's public health system has achieved remarkable success. You can hardly think it is a developing country if you just look at the statistics on life expectancy, infant mortality and causes of death".

84. The Chinese Government had also adopted social measures to protect handicapped children, girls and infant children, to prohibit the employment of child labour and the dissemination of pornographic material to children and, in general, to protect children from any influence harmful to their physical and mental health. The efforts made by China to protect the rights of the child had been successful, and had thus laid down a solid foundation for the country's implementation of the Convention on the Rights of the Child.

85. China was a developing country whose economic structure was still weak. The results so far obtained, however, were encouraging and the Chinese Government intended to continue its efforts to promote the enjoyment of

fundamental rights by all. Chinese governmental bodies were actively studying specific measures that had to be taken in order to achieve the objectives of the Convention on the Rights of the Child as well as the Declaration and the Programme of Action adopted at the World Summit on the Child. His delegation was confident that, with the opening-up of the national economy, economic reforms and the consolidation of the Chinese national economy, the material and moral living standards of Chinese children would be raised still further. China was prepared to make joint efforts with other countries for the purpose of assuring to the children of the world an international environment of peace, prosperity and justice.

The meeting rose at 5.55 p.m.